

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANKLYN DEVON PRILLERMAN

Plaintiff

CIVIL ACTION NO.

v.

13-1414

CITY OF PHILADELPHIA, ET AL.,

JURY TRIAL DEMANDED

Defendant

**AMENDMENT TO PLAINTIFFS'S COMPLAINT IN CV-13-1414**

Pursuant to Federal Rule 15(a), Fed.R.Civ.P, one can amend one's complaint once "as a matter of fact" within time allowed to respond to "Motion to Dismiss"

**AMENDMENTS:**

1. Defendants CO Sam, CO Coleman, CO Melton and CO Lynch did in their actions , as stated in CV 13-1414 were conducted "under color of law" and as agents of the City of Philadelphia deny complainant his constitutional rights under the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> amendments
2. I attended an extradition hearing in CFCF prison on 12/11/12. At the hearing I was prohibited from addressing the Court or having private, free and unfettered discourse with my attorney by CO Lynch. Several other prisoners were subject to the same restrictions and witnessed the denial of my constitutional rights. At the hearing CO lynch told me that she would call the public defender on the phone and I was not to ask him any questions, but was only to answer "yes" to the questions he asked me. The City of Philadelphia's practice and policy of using video transmitted court denies prisoners private and unfettered communications with their counsel prior to and during video hearings. The City of Philadelphia's practice and policy of using correction officers to supervise video transmitted court , resulted in the denial of my private and unfettered communications with my counsel prior to and during video hearings under direct

threat of disciplinary action. Said behavior on the part of CO Lynch is consistent with the pervasive and persistent disregard of the health and welfare as well as the constitutional rights of this prisoner under the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments

3. On or about 12/20/12 an unmedicated dangerous schizophrenic was placed in the 2 person cell shared by me and Edward Madden by CO Sam. Said prisoner threatened my life physical harm and forcibly took my food for 3 days. His name was Clark Portino I think. Despite several request from myself and Mr. Maddened to CO Sam (head officer on the pod) said inmate was not removed from the cell. Said prisoner had three confrontations with the security staff, prior to, and at the time of my request for his removal to CO Sam and CO Coleman The City of Philadelphia's practice and policy of putting 3 prisoners in cells designed for 2 prisoners created the environment for a dangerous mentally ill prisoner to be placed in a cell already occupied by Edward Madden and complainant, whereas complainant suffered undue psychological abuse and extreme stress in violation of his constitutional rights under the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments.
4. On 12/11/12 CO Melton , under color of law, deliberately and with malice caused me to urinate on myself by denying me access to the toilet in my assign cell. This event was witnessed by prisoner Luciano The City of Philadelphia's practice and policy of placing more prisoners on a "POD", housing unit, than the housing unit was designed for and the use of auxiliary rooms on the pod for cells instead of being available as toilet facilities for the "dayroom". This behavior by CO Melton is consistent with the callous disregard for the health and welfare of this prisoner and his constitutional rights under the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> amendments.
5. By order of the warden of CFCF, I was taken from cell C23 at 3:00 am on 1/5/13 and placed in isolation in a sleep deprivation cell. I was disposed of all my belongings save the clothes I was wearing. I was in said condition for 61 hours. During which time I was not provided a bed, or a hot meal and the lights stayed on 24 hours a day with an ambient temperature of about 58 degrees. Being subjected to these conditions for such an extended time violates complainants' constitutional rights under the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> amendments

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**CERTIFICATE OF SERVICE**

I, Franklyn Prillerman, do hereby certify that on this date a correct copy of Plaintiff's Amendments to Complaint CV13-1414 Pursuant to Rule 15(a) was sent via first class mail to:

Regina A. Lawrence  
City of Philadelphia Law Department  
Civil Rights Unit  
1515 Arch St, 14<sup>th</sup> fl  
Philadelphia, PA 19102

Date: February 7, 2014

Respectfully submitted,

/s/ Franklyn D. Prillerman  
123 E. Pomona St.  
Philadelphia, PA 19144